

DLD-339

August 9, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **07-2124**

RICARDO A. DE LOS SANTOS MORA

VS.

M. JANE BRADY, ATTORNEY GENERAL, ET AL.

(D. DEL. CIV. NO. 06-CV-00046)

Present: BARRY, AMBRO and FISHER, CIRCUIT JUDGES

Submitted are:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
- (2) By the Clerk the within appeal for possible dismissal pursuant to 28 U.S.C. § 1915(e)(2) or summary action;
- (3) Appellant's motion for appointment of counsel;
- (4) Appellant's response; and
- (5) Appellant's supplemental response

in the above-captioned case.

Respectfully,

Clerk

MMW/KEK/zm/cmd

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O R D E R

The foregoing appeal is dismissed for lack of jurisdiction. This Court has jurisdiction of appeals from final decisions of the district courts. 28 U.S.C. § 1291. We cannot review an order that dismisses some, but not all, of the claims before the District Court unless the District Court directs the entry of a final judgment as to that order under Federal Rule of Civil Procedure 54(b). See New York Football Giants, Inc. v. Comm'r of Internal Revenue, 349 F.3d 102, 105-06 (3d Cir. 2003). The District Court's March 30, 2007, order did not resolve the litigation as to all parties; as of August 3, 2007, the case is still pending in the District Court. As the District Court declined to direct the entry of a final judgment under Rule 54(b), we may not review that order at this time. We only have jurisdiction over an appeal taken within 30 days of a "final decision" issued by the District Court. See Fed. R. App. P. 4(a)(1)(A); New York Football Giants, 349 F.3d at 105. Appellant's motion requesting the appointment of counsel is denied.

By the Court,

/s/ D. Michael Fisher
Circuit Judge

Dated: August 23, 2007
CMD/cmh/cc: MDLS, LMC, WWP



Marcia M. Waldron

Marcia M. Waldron, Clerk